

PROB 12C  
(6/96)

# United States District Court

for

WESTERN DISTRICT OF TEXAS

## AMENDED

### **Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: James Laray Tucker

Case Number: A-09-CR-242(01)-LY

Name of Sentencing Judicial Officer: Honorable Lee Yeakel, United States District Judge

Date of Original Sentence: February 5, 2010

Original Offense: Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1)

Original Sentence: Sentenced to one-hundred and fifteen (115) months in the Bureau of Prisons, followed by (3) three years of supervised release, with the following special conditions: drug aftercare, financial disclosure, mental health counseling, alcohol abstinence, and no gang association

Type of Supervision: Supervised Release

Date Supervision Commenced: February 2, 2018

Assistant U. S. Attorney: James Booher

Defense Attorney: William H. Ibbotson -AFPD

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## **PREVIOUS COURT ACTION**

On March 26, 2018, a Probation Form 12C was filed with the Court to allege that the defendant had been arrested for a new felony law violation. A warrant was issued and was subsequently executed on September 28, 2022, after he was released from state custody for serving his sentence for the state felony conviction. Revocation proceedings remain pending.

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## PETITIONING THE COURT

☒ [X] To issue a warrant

☐ [ ] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation of Mandatory Condition No. 1:** “The defendant shall not commit another federal, state, or local crime.”

**Nature of Non-compliance:** On March 15, 2018, an officer with the University of Texas at Austin Police Department (UTPD) observed a driver of a vehicle strike a curb on Manor Road and proceed through a red light on Chicon Street. The officer initiated a traffic stop and the driver of the vehicle struck a curb twice until crashing into a telephone pole on Manor Road. As the officer approached the vehicle, the driver, later identified as James Laray Tucker, had his foot on the accelerator pedal and the officer had to place the vehicle into park and remove the defendant from the vehicle. The defendant was administered field sobriety tests and a blood sample was drawn. The defendant failed the field sobriety tests and was taken into custody and charged with Driving While Intoxicated – 3rd or More, felony. The case was filed in the Travis County District Court under Cause No. D-1-DC-18-201814. The defendant remained in custody.


*On October 25, 2018, the defendant was convicted for the felony offense of Driving While Intoxicated and sentenced to 9 years in the Texas Department of Criminal Justice – Institutional Division. On September 28, 2022, he was released to the federal detainer.*

**U. S. Probation Officer Recommendation:** It should be noted, that on December 31, 2017, the defendant had been arrested by the Austin Police Department for Driving While Intoxicated – 3<sup>rd</sup> or More, felony, while he was in his re-entry phase at the Austin Transitional Center. On that instance, he had crashed into a fence at 8406 Colony Loop Drive. He was believed to be under the influence of PCP. He was taken into custody and eventually remanded by the Bureau of Prisons to Bastrop County Jail. He was released on February 2, 2018, when he commenced his term of supervised release. The defendant’s case was filed in Travis County District Court under Cause No. D-1-DC-18-200003. *On October 25, 2018, the defendant was convicted for the felony offense of Driving While Intoxicated and sentenced to 9 years in the Texas Department of Criminal Justice – Institutional Division.*


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The probation office respectfully recommends that the defendant's supervision be revoked, as he has been arrested for driving under the influence on two separate occasions in less than 60 days in which he was involved in an accident.


Approved by,

  
Patricia Whitson  
Supervising U.S. Probation Officer

Respectfully submitted,

  
Hector J. Garcia  
Supervising U.S. Probation Officer  
Date: 10/20/2022

Received by,


  
Matt Harding  
Assistant U.S. Attorney

☒ recommend      ☐ does not recommend      Justification: \_\_\_\_\_

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**THE COURT ORDERS:**

- [ ] No Action
- [ ] The Issuance of a Warrant
- [ ] The Issuance of a Summons
- [X ] Other: warrant remain effect as of March 26, 2018

  
Honorable Susan Hightower  
U.S. Magistrate Judge  
October 20, 2022  
Date